IN THE HIGH COURT OF BOMBAY AT GOA

SECOND APPEAL NO. 73/2006

Namdev Ganesh Naik,
major of age, resident of
Volvoi, Saterbhat, Ponda, Goa. ..... Appellant.

V/s.

1. Smt. Lokmudra Datta Tari,
widow of late Datta G. Tari, housewife,

2. Shripada Datta Tari,
son of late Datta Tari, major,

3. Ganasham Datta Tari,
son of late Datta Tari, major,

4. Mahadev Datta Tari,
son of late Datta Tari, major,

5. Rajendra Datta Tari,
late Datta Tari, major,

6. Hari Datta Tari
son of late Datta Tari, major
All resident of House No.
Volvoi, Ponda, Goa.

7. Narayan G. Tari (since deceased)
through his heirs and L.Rs.

7(a) Premanand N. Tari, major

7(b) Smt. Premanand Tari,

both residents of Ramnagar,
Londa, Karnataka.

8. Nilconta R. Shet, major
(since deceased) through his heirs/L.Rs.

8 (a) Shri Pratap Nilconta Shet,
son and his wife;
8(b) Smt. Pratap Shet, daughter-in-law,
both r/o. New Wadda, Behind Santoshi
Maa Temple, Vasco da Gama,

9. Shantaram R. Shet, major,
10. Krishnanath S. Tari (since deceased)
through his heirs and L.Rs.
10. (a) Jagjivan Krishnanath Tari,
10. (b) Smt. Janki Jagjivan Tari
all residents of House No.72,
Volvoi, Ponda-Goa.

11.Raghuvir Surya Shet, major (since
deceased) through his heirs/L.Rs.

11(a) Shantaram Raghuvir Shet
son and his wife
11(b) Smt. Shantaram Shet, daughter-in-law
both near Sateri Temple, Corlim,
Mapusa, Bardez, Goa.
11(c) Smt. A.K. Phadte, daughter and her
husband;
11(d) Adv. A. K. Phadte, son in law,
practising from Shalini Bldg.,
3rd Floor, Mapusa, Bardez, Goa. ..... Respondents.

Mr. Valmiki Menezes, Advocate for the appellant.

Mr. Guru Shirodkar, Advocate for the respondents No.1 to 6, 7(a), (b) and 10(a) and 10(b).

CORAM : S.A. BOBDE, J.

DATE : 29th March, 2007.

ORAL JUDGMENT :

Heard. Admit. Taken up for final disposal by consent.

2. After hearing the matter for sometime, the following order is passed by consent :

The Judgment in appeal and the Judgment of the trial Court are, hereby, set aside in view of absence of any clear discussion of evidence pertaining to the possession of the suit property. The matter is remanded to the trial Court for fresh decision in accordance with law. All the issues are left open.

Order accordingly.

S.A. BOBDE, J.

ssm.